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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

(E/CN.4/1994/3-6, 7 and Corr.1 and Add.1 and 2, 8, 46-61, 97, 102-104, 110, 115, 119, 120, 122 and 123; A/48/526 and Add.1, 562, 578, 600 and Add.1, 601 and 875; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40 and 42-44)

1. Mr. DEGUENE KA (Observer for Senegal) said that the latest report submitted by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/47) contained the same recommendations as his previous report, thus reflecting a lack of progress and insufficient implementation of the recommendations he had made. Worse still, ethnic cleansing and other human rights violations still continued and the situation of the civilian population in Sarajevo and other besieged towns and villages had deteriorated.

2. The Special Rapporteur's reports stressed the need to lift the blockade of towns and enclaves; open corridors for humanitarian assistance; prevent the crime of rape, making it clear that offenders would be prosecuted by the international community; counter the deliberate policy of ethnic cleansing perpetrated by the Serb forces; and eliminate all obstacles preventing the International Committee of the Red Cross (ICRC) from visiting detainees.

3. But for the intervention of international organizations, and more particularly the strong commitment of the United Nations High Commissioner for Refugees, the situation would have been even more tragic. None the less, the Bosnian people, particularly the Bosnian Muslims, had experienced new, wide-ranging and even more horrible dimensions of suffering, including arbitrary arrest, starvation, pursuit and the deliberate disruption of public water and power supplies.

4. Those gross and systematic violations of human rights and international humanitarian law had occurred and continued to occur in the absence of firm pressure by the international community. According to the Special Rapporteur, that precedent of impunity had enabled the Serbs, the main culprits, to continue their violations and had encouraged the Croat forces to follow suit. Indeed, the only measure that had been effectively implemented was the arms embargo against Bosnia and Herzegovina, which merely strengthened the hand of the aggressors and forced the helpless Bosnian Muslims to flee their occupied territory.

5. It was time that practical steps were taken to implement the Special Rapporteur's recommendations. Strong support and encouragement must be given to the efforts undertaken by the United Nations, the European Union, the Organization of the Islamic Conference (OIC), the major Powers and other concerned parties to bring peace to that troubled area. In that connection,

his delegation supported the courageous initiative of the North Atlantic Treaty Organization (NATO) and the agreement concluded between the Muslims and Croats under the auspices of the United States of America. The Serbs must comply with the United Nations resolutions and make peace. Confidence-building measures must be taken with a view to the declaration of a cease-fire, the freeing of besieged towns and the pursuit of negotiations.

6. His delegation fervently hoped that Bosnia and Herzegovina would emerge from the negotiations as a sovereign, independent, democratic and pluralistic State. As a member of the OIC, his country was firmly committed to the national unity and territorial integrity of Bosnia and Herzegovina. In that context, his delegation was in favour of the implementation of the measures and resolutions previously adopted, the adoption of additional and more coercive measures against the aggressor, and against any peace treaty that was unjust and partial.

7. Mr. SIMONI (Observer for Albania) said that the human rights situation of the ethnic Albanians in Kosovo who comprised about 90 per cent of the province's population, had been the subject of many reports to the Commission and Sub-Commission and of resolutions adopted by both bodies in 1993. The human rights violations there were not sporadic but had been a daily occurrence for more than a decade. The local Serb administration and police killed and tortured innocent people merely because they were Albanian, placed entire villages and towns under siege and threatened their inhabitants with death. The population was subjected to mass arrests, ill-treatment and confiscation of property. Albanians were denied work and had no access to health services. Young Albanians were deprived of education and all Albanian newspapers had been closed down.

8. Those brutal violations of the most elementary human rights were part of a comprehensive, State-organized campaign of suppression and terror aimed at making life unbearable and driving out the Albanian population. Between 1981 and 1993, approximately 500,000 Albanians had been forced to abandon Kosovo. Many had sought refuge in Western European countries. The Serb policy was aimed at changing the composition of the population of Kosovo.

9. Indeed, promises had been made during the election campaigns for the Serbian Parliament to bring the population of Kosovo up to 50 per cent Serb. An influx of about 600,000 Serb refugees from Bosnia and Croatia into that already densely populated region had been promised. Their settlement could not be achieved, however, without the expulsion of the indigenous Albanian population. The ethnic cleansing and apartheid in Kosovo had been condemned by the Helsinki Citizen's Assembly in December 1993.

10. His Government deeply appreciated the fact that the international community, including the United Nations human rights organs, had condemned the oppression carried out by the Serbian authorities. Nevertheless, despite the resolutions adopted by the Commission and the Sub-Commission in 1993, the situation in Kosovo had drastically deteriorated, as confirmed in the report by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1994/47).

11. That report described police brutality, arbitrary searches, seizures and arrests, torture and ill-treatment, discrimination in the administration of justice, the removal of ethnic Albanian officials, and the mass dismissal of ethnic Albanians from professional, administrative and other positions in State-owned enterprises and public institutions, and the closure of Albanian high schools and universities.

12. The ultimate aim of the Serbian authorities was to provoke an open conflict, whose victims would be the ethnic Albanians. That situation was further aggravated by the fact that the Belgrade authorities were attempting to conceal their activities from world opinion by preventing the mission of the Conference on Security and Cooperation in Europe (CSCE) from continuing its work in Kosovo. Constrained in Bosnia by the recent NATO ultimatum, the Serbs had stepped up their regime of repression and terror in Kosovo. His Government therefore requested that the question be considered by the Security Council as a threat to international peace and security. All the necessary measures, including the re-establishment of an international presence and the continuation and intensification of sanctions against the Belgrade regime, should be adopted without delay.

13. Mr. NORCHI (International League for Human Rights) said that a fact-finding delegation from his organization had just returned from Afghanistan. Since January 1994, nearly the entire country had been in the throes of a new war of unprecedented intensity, marked by indiscriminate and at times targeted bombing, of civilians. In a land with no constitution and no judicial system, the Afghan people's rights to freedom of association and expression were restricted and their right to self-determination was utterly denied. Discrimination against women and religious intolerance were on the rise.

14. Although Afghanistan was a party to major international human rights instruments - including the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1949 Geneva Conventions - there was no governmental authority to enforce their provisions.

15. His organization thus recommended a number of steps to resolve the situation in that country, which could well degenerate into something resembling Somalia but even more dangerous. The United Nations should elaborate a plan for the disarming of the irregular armed groups and their replacement by a paid regular army. Assistance should be provided for the training of a police force, separate from the army, and Afghan human rights monitors should be trained and stationed throughout the country.

16. After the disarmament had been completed, United Nations-sponsored elections should be held. In that connection, his organization strongly endorsed the recommendation of the Special Rapporteur on the situation of human rights in Afghanistan concerning the elaboration of an election plan by all Afghan political leaders from inside and outside the country in a neutral location (E/CN.4/1994/53, para. 56). United Nations humanitarian assistance to Afghanistan should be increased, should include education and basic health care and should focus on areas relatively unaffected by the current armed conflict. The international border between Afghanistan and Pakistan should be

reopened to Afghan refugees. The international community should identify and freeze the international banking assets of those Afghan political leaders and organizations waging the armed conflict and their international travel should be restricted.

17. Mrs. FERRERO (United States of America) said that, in some countries, even a modicum of respect for human decency was lacking and the most elemental human rights were arbitrarily denied by those in power. The Bosnian Serbs and those Serbian elements, in Belgrade and elsewhere, which had sustained them were to blame for ethnic cleansing, the indiscriminate shelling of cities, rape, summary executions and other atrocities described in the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia. That war had brought only death and devastation and she urged the parties to the conflict to rechannel their energies into seeking peace.

18. The ravages of war had apparently had no effect on the Government of the Sudan either. It was deplorable that a Government which was a member of the Commission should threaten a Special Rapporteur, in flagrant violation of the basic principles upheld by the United Nations. Her delegation condemned such conduct as an outrage.

19. On the other hand, it commended both Present de Klerk and Mr. Nelson Mandela, President of the African National Congress (ANC), on their efforts to build a non-racial democratic society. It also hailed the political courage and wisdom displayed by Israel and the Palestine Liberation Organization in signing the Declaration of Principles on Interim Self-Government Arrangements in September 1993. Despite deplorable incidents, such as the one which had recently taken place at Hebron, there was a genuine prospect of a just and lasting peace in the Middle East that promised an improvement in the human rights situation in the region.

20. Her delegation also looked forward to the elections in El Salvador and to the reduction of politically motivated violence between the Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN). Despite improvements in the human rights situation in Guatemala, serious abuses persisted. Her delegation welcomed, however, the Guatemalan Government's willingness to work closely with the experts sent by the Commission and with the Centre for Human Rights.

21. Her delegation noted with satisfaction that, in May 1993, Cambodia had held its first free and fair elections in many years under United Nations auspices. It also noted the great strides made in the human rights situation in Cambodia during the second half of 1993. It would also welcome progress in Viet Nam, where freedom of expression and association were severely restricted and those who questioned Government policy were subject to arrest and imprisonment. Her Government had, however, begun a dialogue on human rights issues with the Government of Viet Nam and looked forward to a productive discussion of those issues.

22. Those encouraging developments and strides towards democracy contrasted sharply with the human rights picture elsewhere. In Haiti, the military continued to prevent the return of the democratically elected

President and was an ally of the right-wing elements which murdered opponents and terrorized the population. Cuba was virtually the only Latin American country to resist the tide of democracy and human rights improvements. For years, it had refused its people such basic human rights as freedom of association, assembly, expression, religion and the right to an independent press. It tacitly admitted those faults by refusing to cooperate with the Special Rapporteur of the Commission, thus flouting its responsibilities to an Organization in which it professed its faith.

23. Under the Mobutu regime in Zaire, people were subjected to extrajudicial killings, unlawful detentions, ethnic violence, torture and disappearances. In Myanmar, Aung San Suu Kyi was still under house arrest and, indeed, much of the country operated as if it, too, were under such arrest. In view of the harassment and detention of political rivals by the State Law and Order Restoration Council (SLORC), the mandate of the Special Rapporteur for Myanmar should be extended.

24. Despite some positive developments recently, the Chinese Government's human rights record fell far short of acceptable international norms. Her delegation was deeply concerned over the detention of leading dissidents in the past few days. Such actions contravened the Universal Declaration of Human Rights and demonstrated the Chinese Government's disregard for the Commission. While it understood China's demographic problems, her delegation strongly urged the Chinese Government to do its utmost to eliminate forced abortion and sterilization, which still occurred in certain rural areas.

25. Iraq, however, was virtually unparalleled in its brazen contempt for its citizens. Her delegation was deeply concerned about systematic human rights violations throughout Iraq, including mass executions of political opponents, torture, severe repression of ethnic and religious groups, disappearances, denial of due process and arbitrary detention. In the south of the country, indiscriminate military operations continued forcing much of the local Shiah population to relocate and, in the southern marsh area, inhabitants had been deliberately targeted for their alleged sympathies with opposition groups. In northern Iraq, the regime continued to shell civilian population centres, expel Kurds from their homes in the Mosul and Kirkuk areas and maintain its embargo on deliveries of food, medicine, fuel and electricity. It also sponsored terrorist attacks against civilians and humanitarian workers in the region. Iraq was clearly not complying with the international human rights norms or with Security Council resolution 688 (1991).

26. The Islamic Republic of Iran also remained a major violator of human rights. Of particular concern was the systematic campaign to repress the Baha'is. Torture, summary executions and restrictions on freedom of speech, press, assembly and association were still widespread, and the mandate of the Special Representative should therefore be extended. Her Government called upon the Iranian authorities to renounce the religious decree condemning British author Salman Rushdie to death for his book "Satanic Verses".

27. A number of countries deserved to be singled out for the egregious human rights violations suffered by women. In Bosnia, rape and sexual abuse continued to be an ugly companion of war and devastation. Violence against women was common in many parts of the Sudan, yet Government efforts to protect

them were virtually non-existent. Elsewhere in Africa, the barbaric tradition of female mutilation was still common. In Myanmar, there had been consistent reports that women living along the country's borders had been raped by Government soldiers. In the Islamic Republic of Iran, where discrimination against women had been on the increase since the 1979 revolution, women who did not submit to Government-imposed dress codes were often subjected to police crackdowns and widespread harassment.

28. Mr. LEMINE (Mauritania) said that, despite general recognition that all human rights must be on an equal footing, civil and political rights continued to take precedence over economic, social and cultural ones. A balance must be restored. Mauritania attached great importance to human rights, and its Constitution guaranteed all individual and collective rights. As a developing country, it had firsthand experience of the importance of the indivisible link between civil and political and economic, social and cultural rights. Mauritania was a pluralist democracy where all political rights were effectively implemented.

29. His delegation was most concerned about the situation of human rights in Palestine. Despite the hopes, born of the Declaration of Principles signed at Washington on 13 September 1993, the situation was still disturbing. The massacre of innocent Palestinians at the Al-Khalil Mosque, Hebron, on 25 February 1994 demonstrated the urgent need to disarm the Israeli settlers and to ensure international protection for the Palestinian people pending the establishment of their own national institutions.

30. In Bosnia and Herzegovina, the main victim of Serbia and Montenegro's sinister policy to extend its control to all the territory of the former Yugoslavia was the Muslim portion of the population. A Member State of the United Nations was the target of an aggression aimed at the extermination of the major part of its population. The United Nations Charter clearly set forth which of its organs was responsible for dealing with such a situation. The Commission should use its immense moral weight to ensure that the question was given adequate treatment by that competent organ.

31. If such an approach was adopted, matters would evolve rapidly, as had been seen in the relief of the martyrdom of Sarajevo and the opening of Tuzla airport. The same firm approach must also be used to help other besieged Muslim populations. However, any settlement that demanded most of the concessions from the victim and ratified the territorial gains acquired by force would be unjust and would not be durable.

32. Mr. TABATABAEE (Islamic Republic of Iran) said that the situation of human rights in his country was addressed in an atmosphere of an all-out propaganda campaign to defame the Islamic Republic, the Islamic Revolution and, in the final analysis, Islam itself. The campaign had intensified in recent years in an effort to contain the growing aspirations of Islamic revivalism among Muslims the world over.

33. The report of the Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1994/50) had a peculiar way of dealing with the issues. A case in point concerned allegations made against the Government of Iran regarding attacks against Iranian citizens

abroad. Although such allegations had never been substantiated, and the Special Representative himself had admitted that conclusive data was lacking, the matter was raised in detail in various parts of the report, the Special Rapporteur implying the involvement of Government agents merely on the basis of isolated statements.

34. In recent years, Iran had been the subject of an intense campaign of terrorism, directed primarily by a terrorist organization based in Iraq. Throughout the war launched by Iraq, that organization had cooperated with the enemy, waging a campaign of terror against Iranian officials and the people of Iran. The same terrorist organization currently enjoyed the full support of certain Western countries, some of which were most vocal in criticizing the human rights situation in Iran. The "monitoring" of the situation of human rights in Iran had made no mention of the criminal activities of that terrorist organization or of its sources of support.

35. The report had also referred to the "excessive use of capital punishment". While depriving a human being of life was a drastic measure that a State should take only in exceptional circumstances, his Government faced the dilemma of reconciling that conviction with a deadly threat to society and to the lives of many innocent persons. Rather than engage in a theoretical discussion on what was reasonable or excessive, his delegation pointed out that Iran was facing a very real danger from international drug trafficking cartels and was making every effort to combat that evil so as to prevent the spread of deadly drugs to other regions, most notably Europe. The case of the Narouis had been distorted in that report as a minority issue (para. 207).

36. Mohammed Naroui, a member of that family, controlled one of the largest international drug cartels, with a large share in the narcotic drugs exported to Europe. During the campaign to capture Pablo Escobar, scores of other people had been killed, yet no one had objected, since the aim had been to eliminate the drug magnate at all costs. Yet, when his own Government took measures to stop drug trafficking, Iranian drug magnates suddenly became an oppressed minority whose "rights" needed to be protected through vigorous international monitoring.

37. The Special Representative's lack of familiarity with Islam and its precepts and jurisprudence had inevitably led to a misunderstanding of certain aspects of religious law and its application in the Islamic Republic of Iran, giving rise to blatantly wrong conclusions and to assertions deeply offensive to the world's Muslim community.

38. Moreover, some of the report's conclusions were most unfair. Thus for example, in paragraph 269, the Special Representative stated that "no plans are known for making good existing legal shortcomings" with regard to requirements of due process of law. Yet the Government had been making every effort to improve the existing legal system in various areas, including most of those specified by the Special Representative. Those efforts had not yet been fully successful because of the dynamics of the Iranian Parliament, which acted on its own, and not on the dictates of the Government.

39. Fundamental rights and universal freedoms in Islam were an integral part of the Islamic religion, and no one had the right to suspend them in whole or in part or to violate or ignore them, because they were binding divine commands. Divine revelation remained the foundation of the Islamic law in Iran. Iranians were proud to be governed by the rules set out in the Koran and were determined to continue along that path. Certainly no one could expect that Iran's obligations to implement international instruments should undermine the values and teachings of Islam.

40. Mr. SZELEI (Hungary) said that his delegation had consistently supported the idea of giving the United Nations the means to respond in an integrated and flexible fashion to cases of serious human rights violations. The international human rights instruments and the Centre for Human Rights were precious tools for preventive diplomacy, conflict management, peace-keeping and peace-building.

41. Enhancing the effectiveness of the Commission's special procedures involved not only the full cooperation of Governments and improved access for non-governmental organizations, but also adequate financing and staffing and efficient servicing by the Secretariat. His delegation agreed with the assessment that the special procedures for the protection of human rights were a valuable source of information. It welcomed initiatives aimed at dispatching human rights monitors or establishing human rights field offices, which would contribute not only to improved, objective and continuous human rights reporting, but also constitute a mechanism for constructive dialogue on the protection and promotion of human rights.

42. His delegation was in favour of widening the practice of joint missions of special rapporteurs and working groups, when the situation so warranted, and increasing the input of regional organizations, particularly the Conference on Security and Cooperation in Europe (CSCE), into the Commission's work. An exchange of experience between the United Nations human rights field offices and CSCE missions of long duration on the comparative advantages of their monitoring methods would enrich the debate. His Government would also continue to work to prevent reprisals from being committed against persons who had availed themselves of the United Nations human rights mechanisms.

43. Ever since the outbreak of the southern Slav crisis, his Government had been calling for effective international action to address the tragic human rights dimension of that conflict. It condemned the ethnic cleansing, mass expulsion of peoples, attacks on civilians, rape and abuse of women and indiscriminate assaults on "safe areas" that had gone on unabated in Bosnia and Herzegovina. The violators must be brought to justice before the International Tribunal. His Government noted with particular concern the further deterioration of the human rights situation in the Serb-controlled territories of Croatia and in Serbia itself, particularly in Kosovo, the Sandjak and Vojvodina, and was alarmed about the situation of the ethnic Hungarians and other minorities in Serbia. His delegation reiterated its call for an effective international presence to ensure respect for the human rights of those endangered communities and urged the Serbian authorities to reconsider their refusal to allow the continuation of the CSCE missions.

44. His Government strongly condemned the massive human rights violations in Iraq. The latest report of the Special Rapporteur (E/CN.4/1994/58) confirmed that the right to life, liberty and the security of persons was seriously impaired and that systematic torture and other cruel and inhuman treatment were widespread. Indiscriminate military attacks on the southern marsh Arabs and the Kurds in the north were continuing, and repressive measures against ethnic and religious minorities were on the rise. The Iraqi authorities must put an end to such violations and must account for and release unconditionally all those persons who had been forcibly abducted from Kuwait.

45. The report on the situation of human rights in Cuba (E/CN.4/1994/51) confirmed that the human rights of Cuban citizens were being systematically violated. Excessive control was exercised over the population, and human rights defenders were harassed, intimidated and persecuted. He called upon the Cuban authorities to put an end to violations of human rights and to enter into an open dialogue with the Special Rapporteur.

46. Grave violations of human rights continued to be committed by the military in Myanmar. His delegation reiterated its call for the immediate and unconditional release of political detainees in Myanmar, including Daw Aung San Sui Kyi. The international community must keep the situation under close review as long as the military rulers refused to transfer power to the elected representatives of the people.

47. The Special Rapporteur on the situation of human rights in the Sudan had presented a detailed report on the deteriorating human rights situation there (E/CN.4/1994/48). His delegation was alarmed at reports of extrajudicial and summary executions, arbitrary detention, forced displacement of persons, torture and other inhuman treatment. In particular, it condemned the practice of slavery, the slave trade and forced labour there. It urged the Sudanese authorities to abide strictly by their obligations under international law and called upon all the parties in the Sudan to observe the universally recognized norms and standards of humanitarian law.

48. His Government once again condemned the flagrant human rights violations in Haiti. It agreed with the Special Rapporteur on the human rights situation there that the Commission should unequivocally condemn the non-observance of the Governors Island Agreement and express its concern that the Haitian military was preventing by force the reinstatement of the civilian Government.

49. Mr. KPOTSRA (Togo) said that the tragedies endured by a number of African countries that had embarked upon the road to democratization had made some wonder whether the cure was not worse than the disease. Togo had not been spared the wave of disturbances that had stricken such countries. For more than two years, constant social and political unrest had been dealing a heavy blow to the democratic process begun in 1991. As a result, human rights had been violated and populations displaced, the tragic consequence of political intolerance.

50. Seeking to resolve an unprecedented crisis that threatened to plunge the country into chaos, his Government had done everything in its power to create a climate conducive to pursuing the democratic process and creating the political institutions envisaged by the Constitution, adopted by referendum in

September 1992. By deploying public security forces throughout the territory, it had stopped the violence and, in August 1993, Gnassingbe Eyadema had been re-elected President.

51. The election of deputies to the National Assembly had taken place in February 1994. The opposition had won 38 seats, while parties close to the President had taken 37. Owing to the violent incidents that had occurred during the election in five constituencies, the results there had not been made public, and the Supreme Court was soon to decide on an appeal introduced to invalidate them. The majority in the next National Assembly would clearly depend upon the five seats from those constituencies.

52. He welcomed the constructive role played by the international monitoring committee, set up in July 1993 under the Ouagadougou agreements, which had helped to ease tensions during the electoral process. The presence of military and civilian observers had made it possible for the presidential and legislative elections to take place under conditions of security, freedom and transparency.

53. Once the new Government had been fully constituted, the Togolese people would finally be free of the past and, in an atmosphere of reconciliation and full respect for human rights, could turn to the task of revitalizing an economy ruined by more than two years of tumultuous transition.

54. Non-governmental organizations clearly played an important role in the promotion and protection of human rights. At the same time, the information they provided was not always reliable. In his report on the situation of human rights in Togo (E/CN.4/1994/59), the Secretary-General had relied to a great extent on information provided by the NGOs most of which had been obtained from Togolese nationals caught up in a complex and unstable political situation. Moreover, that information related mainly to events that had taken place before the Commission had adopted resolution 1993/75, in which it had found fault with the human rights situation in Togo. The Commission had, perhaps, not had available to it the most recent data when it had adopted that resolution or it might have been influenced by propaganda.

55. When drafting reports on the human rights situation in the various countries, the persons representing the United Nations must proceed with caution and exercise rigour in evaluating the facts; they must endeavour to obtain direct information in the field rather than information from sources that were necessarily biased. The manner in which information was treated was closely tied to the United Nations credibility in assessing human rights situations. As set forth in General Assembly resolution 47/131 and reaffirmed in resolution 1993/59 of the Commission, the promotion, protection and full realization of human rights and fundamental freedoms should be guided by principles of non-selectivity, impartiality and objectivity and should not be used for political ends.

56. According to the Secretary-General's report and other related reports, his Government had failed to respond to urgent calls to halt certain actions, had failed to provide the information requested and had allowed certain individuals to violate human rights with impunity. It was unfortunate that, in drafting those reports, no attention had been paid to Togo's tumultuous

political and social situation over the past three years, which had included a general strike lasting nine months and a state of unrest that had prevented officials from carrying out their duties properly.

57. It could not be reasonably expected that a State, whose authority had been so radically reduced, would honour all its commitments. Account should be taken of the fact that many factors outside the Government's control continued to impede its functioning. While those exceptional circumstances should not serve as justification for the Government's failure to rectify certain situations, they should certainly be taken fully into consideration when assessing Togo's human rights record.

58. Togo remained firmly committed to multilateral cooperation and, in particular, to United Nations efforts in the field of human rights. However, care must be taken not to launch a second crusade to colonize territories in the name of human rights.

59. Mr. VENERA (Observer for the Czech Republic) said that his country had succeeded to all the international obligations of the former Czechoslovakia in the field of human rights. In 1994, his Government hoped to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. In fact, its ratification of the Second Protocol and its adherence to the Sixth Protocol to the European Convention on Human Rights were pure formalities, since the death penalty had been abolished in his country in 1990.

60. Another important step envisaged by his Government was recognition of the competence of the International Fact-Finding Commission, under article 90 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I).

61. Protecting the rights of persons belonging to national minorities was an inseparable part of protecting human rights. The best way to ensure respect for all human rights was to strengthen democracy and the rule of law and ensure economic prosperity. Nevertheless, while Czech law enshrined the principle of the equality of all citizens before the law, it also contained specific regulations concerning minorities. The Council for Nationalities, the coordinating and advisory body in charge of Government policy relating to national minorities, included representatives of those minorities.

62. The United Nations must endeavour to improve its monitoring of States' compliance with their obligations under the human rights instruments, a necessary prerequisite of which was universal acceptance of the most important of those instruments.

63. His Government considered free general elections and freedom of speech to be fundamental guarantees of democracy and respect for human rights. It therefore welcomed the various United Nations election-monitoring missions and was encouraged, in particular, by the forthcoming elections in South Africa, which represented an important step towards democracy in that country. It was also encouraged by the Middle East peace process and hoped that individual excesses like the massacre at Hebron would not hinder the negotiations.

64. It was unfortunate that human rights violations continued in many parts of the world. The Cuban Government, which had traditionally refused to cooperate with United Nations special rapporteurs, continued to violate the human rights of individuals it found inconvenient. The human rights situations in Afghanistan, Sudan, Somalia, Haiti, Myanmar, Iraq and East Timor also gave cause for concern.

65. Armed conflict of any nature, and the monstrous acts to which they gave rise, implied the denial of the existence of any human rights or freedoms. It was alarming to see how inefficient the international community was at resolving such conflicts, a particularly cruel example being that in Bosnia and Herzegovina. It was, therefore, all the more important to carry out educational programmes to promote human rights and fundamental freedoms.

66. Mr. AL-SALLAL (Observer for Kuwait) said that he wished to express his appreciation of the valuable report by the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1994/58), which had been drafted despite the lack of cooperation from the Iraqi Government. The continuing acts of violence and terrorism in Iraq and the inability of the international community to combat them were a cause of profound disappointment.

67. The representative of the Iraqi Government had recently bemoaned the fate of those suffering as a result of the blockade imposed on Iraq since its invasion of Kuwait in August 1990. Yet, the Iraqi regime was entirely responsible for its actions and their consequences. It had breached international law and refused to comply with Security Council resolutions. To put an end to the blockade, Iraq had only to join the overwhelming majority of peace-loving countries, stop its policy of aggression and expansion, and cease threatening international peace and security. The Government of Iraq had been refusing for three years to export its oil as a means of meeting the country's humanitarian needs. In so doing, it was deliberately using the suffering of its people to put pressure on the international community to end the blockade. That attitude had forced the international community - including his own country - to spend enormous sums to assist the Iraqi people.

68. The Iraqi regime had imposed on its own people cruel blockades in the north and the south of the country, where it continued to dry up the marshes and deport the population. Both the Iraqi people and the neighbouring peoples had suffered from the aggressive expansionist policies of the regime that had resulted in two destructive wars.

69. It was impossible for peace and stability to exist in the region as long as the Government of Iraq waged war on its neighbours or on its own people. The international community must continue exerting pressure on that Government until it ceased its persecution of the Iraqi people and complied fully with Security Council resolution 688 (1991).

70. His own Government's primary concern was the plight of Kuwaiti prisoners still being held hostage by the Iraqi regime, in spite of international and regional efforts to obtain their release. That regime was using those prisoners for its own interests, demonstrating its complete contempt for them and their families. More than a year previously, his Government had provided

the International Committee of the Red Cross (ICRC) with detailed files that proved indisputably that Iraqi occupation forces had been responsible for the capture and detention of those prisoners. In July 1993, it had called for a meeting of the Tripartite Committee in order to express its concerns about Kuwaiti prisoners of war and missing persons and to give the Government of Iraq a chance to reply. Iraq had refused to attend that meeting and had again refused to attend a second one scheduled four months later. That was simply another demonstration of the Iraqi regime's inhumanity and its intention to use a humanitarian issue for political purposes that violated divine and international law.

71. He thus appealed to the Commission to call for the unconditional and speedy release of all Kuwaiti prisoners of war and third-country nationals held hostage by the Iraqi regime.

72. Mr. YAMBAO (Observer for the Philippines) said that his Government extended its cooperation to all human rights monitoring bodies and related mechanisms. That cooperation had been acknowledged by the Special Rapporteur on extrajudicial, summary or arbitrary executions in his report (E/CN.4/1994/7).

73. His Government was painfully aware that the victims of human rights violations, their families and their witnesses faced many difficulties in attempting to bring to justice those who had committed those violations. It had consequently enacted legislation providing protection, security and benefits to witnesses and had made substantial financial appropriations for that purpose. The Philippine Commission for Human Rights was responsible for assisting witnesses and victims. It also promoted public information and awareness campaigns on human rights, seminars being offered to members of the police and the military and civil servants as well as to the general public.

74. In his report, the Special Rapporteur expressed concern about the activities of the Citizen's Armed Forces Geographical Units (CAFGUs) in the Philippines. CAFGUs were local civil defence units set up in areas where there was no military presence, sometimes at the request of the local authorities. Efforts were being made to investigate human rights violations allegedly committed by some of those units and to protect the rights of the victims during court proceedings.

75. The Philippine Commission on Human Rights had conducted investigations in situ of the CAFGUs and had recommended that they should be disbanded wherever their presence was no longer required. More than 80 units had been demobilized to date and, if the peace process continued smoothly, the force would be completely eliminated within five years. To that end, the 1994 budgetary allocation for CAFGUs had been substantially reduced.

76. What was misrepresented by some people as a "total war" was in fact a comprehensive effort by his Government to address the root causes of insurgency, which included the alleviation of poverty and reintegration assistance for former insurgents.

77. Ms. KEYHANI (International Falcon Movement) said that, for nearly 15 years, the people of Iran had been living under a regime whose

official policy was based on a refusal to respect human rights. In Iran, religious rule had replaced popular sovereignty, recognized norms and laws had been replaced by religious decrees, and the rights of the people had been placed under the guardianship of mullahs, who considered themselves above the law.

78. The Iranian regime commonly used execution, imprisonment, flogging, stoning and torture to suppress opposition at home. It assassinated its political opponents abroad and issued death warrants for the citizens of other countries. It was attempting to export State-sponsored terrorism and religious fundamentalism to other parts of the world.

79. The Government of Iran had been trying to convince the world that it was moving in the direction of respect for human rights. However, the regime's conduct in recent years had shown that it could not continue to exist without systematically violating such rights. Those acts were substantiated by the Special Representative's report (E/CN.4/1994/50). The national boycott of the farcical presidential election in 1993, economic bankruptcy and the spread of popular resistance had all helped to aggravate the political crisis there. As a result, the regime had stepped up repression at home and increased its terrorism abroad.

80. A number of Iranian intelligence agents were currently on trial in Germany and Turkey and others were awaiting trial in other countries for their involvement in the murder of political opponents. At the same time, the Iranian regime had helped two of the murderers of a great human rights advocate to escape from justice. The intelligence services had also prosecuted in Iran the families and relatives of Iranian refugees living abroad.

81. According to the report of the Special Representative, executions of political prisoners in Iran had been kept secret. Execution of political opponents and widespread application of the death sentence continued. All those sentenced to death were presented as drug traffickers and their executions were praised by the authorities as a service to the world.

82. There had been increasing repression of women in Iran. In response to the public protest by women against the violation of their rights, there had been a new round of arrests and harassment, including the flogging of "improperly veiled" women. According to a State-controlled newspaper, 2,530 of the 3,600 suicides recorded in 1993 in the province of Khorassan had been women. Nevertheless women had acquired a high status in the resistance movement, reflecting the Iranian people's quest for equal rights.

83. Children were the innocent victims of the general oppression of the people of Iran. Executions and arrests, poverty, divorce and the disintegration of families had had a destructive effect on the country's future generation.

84. The Iranian regime branded every voice of dissent as terrorism and every form of resistance as waging war on Islam. The Commission should

condemn that regime even more decisively than before and suggest practical ways of putting an end to its violation of obligations assumed under the relevant international instruments.

85. Ms. BRIDEL (International Association of Democratic Lawyers) said that her organization had, on several occasions, expressed its concern at the situation of women and women's rights under the current Iranian regime. It seemed that the authorities in Iran practised a particularly cruel form of oppression against women. According to numerous reports, press articles and testimonies, discrimination against women took many forms. They were subjected to inhuman and degrading treatment, arrested under all sorts of pretexts, sentenced without trial and frequently executed. Social restrictions against them were designed to eliminate them from society.

86. In 1993, the regime had launched a particularly violent campaign against women, creating an atmosphere of terror. Thousands of women had been arrested, including foreign nationals, and horrible punishments had been inflicted by agents of the regime. Many women were sentenced to death for adultery on the sole basis of a denunciation by the husband. Some of the victims had been hanged, shot or whipped to death. The situation of women in Iran was becoming disastrous. In the countryside, 75 per cent of women were illiterate and their number continued to increase. Deprived of employment and living in extreme poverty, women of all ages turned to drugs or prostitution, while the number of women suicides had greatly increased.

87. Her organization had also been informed about the unequal situation of women with regard to medical care. An Iranian woman could be treated only by a woman doctor. However, there were very few women doctors, about 2,500 in a total population of some 60 million.

88. The situation she had described was in violation of the rights of the human person, of the Convention on the Political Rights of Women and of the Convention on the Elimination of All Forms of Discrimination against Women. She hoped that that state of affairs would soon be ended and that the international community would endeavour to abolish the unjust oppression of Iranian women.

89. Her organization also wished to refer to the tragic situation of Saharan women, who were arrested, tortured, raped and imprisoned by various security services, including the police, the gendarmerie and so-called CMI or death squads. Of the 485 Saharans who had disappeared between 1975 and 1987, 96 had been women. Of the 310 missing Saharans who had been released in June 1991, 63 had been women. Lastly, 6 of the 58 Saharans who had died as a result of torture and ill-treatment in the Kalaat M'Gouna secret detention centre had been women.

90. In October 1992, peaceful demonstrations had been held at Smara calling for the Government to respect the date proposed for the holding of a referendum. Several dozen persons had been arrested while others had taken refuge at the United Nations peace-keeping headquarters. One of those arrested, a girl of 21, had been sentenced to 20 years' imprisonment.

91. The Moroccan authorities must be urged to indicate what had happened to all those missing persons, to release any survivors and to inform the families of those who had died during detention. The international community could not remain indifferent to the fate of those persons and the sufferings of their families.

92. Some representatives of Governments made statements of good will in the Commission and promised to improve the human rights situation in their country, statements which were belied by events in the country itself. Thus the Deputy Minister for Foreign Affairs of Guatemala had stressed the efforts being made by his Government to do away with the structures inherited from the authoritarian regime and had mentioned approvingly the decision of the organization of internally displaced persons to find its rightful place in public life. On the very same day that the Commission had adopted a "balanced" resolution on Guatemala, the news had been received that the army had invaded the places where that organization was established, had threatened their inhabitants and some international observers and was blockading those people and preventing them from exercising their right to freedom of movement.

93. Mr. NABI FAI (International Islamic Federation of Student Organizations), said that article 2 of the Universal Declaration of Human Rights stated that everyone was entitled to all the rights and freedoms set forth in the Declaration "without distinction". Suspension of that standard under any conditions could lead to the ultimate undoing of the international achievement which the Declaration represented.

94. The Commission was addressing a number of compelling cases of human rights violations around the world. Yet, in Kashmir, atrocities of a similar kind were being perpetrated by the Indian security forces without any fear of international accountability.

95. Far from seeking to rectify its atrocious human rights record, the Government of India had legalized its State-sponsored terrorism in Kashmir and given its occupation forces licences to kill and to abuse Kashmiris in any way they liked so as to suppress the popular self-determination movement. All the available evidence of India's military activities in the Kashmir indicated that the Government was systematically targeting innocent people there. The occupation forces attacked the elderly, raped and defiled women and young girls, razed villages, destroyed families and murdered young boys. Those tactics had no military purpose whatsoever, their only goal being to terrorize the population into submission.

96. The pattern of gross violations of human rights in Kashmir had been carefully documented by a number of non-governmental organizations and by the United States State Department. The abuses committed by the agents of the Government of India, which violated all the basic international standards of human rights, reached every man, woman and child in the valley of Kashmir. The overwhelming presence of military personnel served as a constant reminder to the Kashmiris that they were a people subjugated and enslaved against their will.

97. The fact that the Commission had not yet spoken out against the atrocities committed by India amounted to an encouragement of tyranny. As

long as the international community allowed India to hide its atrocities in Kashmir, there would be no end to the ever-increasing gross and consistent violations of human rights in that unfortunate land. The very least that th Commission could do was to dispatch a fact-finding mission to Kashmir to report on the situation there.

98. Mr. SIWAKOTI (Third World Movement against the Exploitation of Women) said that, between 1988 and 1993, gross violations of human rights had taken place in the Kingdom of Bhutan. As a result of the ethnic-cleansing polici adopted by the Government, over 100,000 southern Bhutanese - one sixth of th population - had been forced to flee their homeland and become refugees in India and Nepal.

99. Recent talks between the Governments of Nepal and Bhutan on the repatriation of those refugees, 65 per cent of whom were women and children, had failed to produce any positive results. The Government of Bhutan had argued that people were emigrating because they could obtain free food in th refugee camps, but the fact was that the socio-political situation had made impossible to lead a normal life in southern Bhutan in the past five years owing to the depopulation policy applied by the Bhutan regime.

100. The ethnic Nepalese had been forced to adopt the dress, language and culture of the ruling Drukpa elite. That elite was Bhuddist whereas the southern Bhutanese were Hindus. While Bhutan had not signed the major international human rights instruments such as the Covenants and the Convention against Torture, it had signed and ratified the Convention on the Rights of the Child. It had signally failed, however, to respect its international obligations under that Convention and over 30,000 Bhutanese children had become refugees.

101. His organization was particularly concerned at the plight of southern Bhutanese women, thousands of whom had lost their citizenship and been liste as illegal immigrants because of the 1985 Citizenship Act, which had been backdated to 1958. Prior to the Marriage Act of 1980, which had imposed severe restrictions on marriages with foreigners, there had been many such marriages in southern Bhutan owing to linguistic and cultural affinities and the fact that poor communications isolated the southern Bhutanese from the rest of the country.

102. The 1985 Citizenship Act had annulled provisions granting citizenship t the foreign wives of Bhutanese. Only women married before 1958 had been considered Bhutanese citizens. Citizenship cards issued earlier to women married after 1958 had been withdrawn and they had been told to leave the Kingdom. Moreover, under the 1985 Citizenship Act, the criterion of fatherhood had been replaced by that of parenthood so that, for a child to qualify as a Bhutanese citizen, both his or her parents must be citizens of Bhutan. Consequently, all children born between 1958 and 1988 were listed a illegal immigrants if either of their parents was non-Bhutanese. An Act whi resulted in the destruction of the family was neither permissible nor desirable and he called for an independent assessment of the relevant Bhutanese laws.

103. Southern Bhutanese women had been made the target of repression by the Royal Security Forces. Hundreds of rape victims in the refugee camps in eastern Nepal were being treated by the Centre for the Victims of Torture, a Katmandu-based NGO. He appealed to the Commission to establish an independent body to study the human rights situation in Bhutan, with particular reference to the plight of southern Bhutanese women living in refugee camps in Nepal.

104. Bishop GASSIS (Pax Romana) said that his organization continued to be concerned at the appalling human rights violations being perpetrated by the Islamic fundamentalist regime against the Christians and other non-Muslims of the Sudan. Human rights violations had increased dramatically, despite the fact that the Commission and the international community had placed the situation there under closer scrutiny. While he could cite innumerable examples of the severe conditions obtaining in the Sudan, he would limit himself to referring to what had taken place in 1993 and mainly to people in his own diocese of El Obeid. He mentioned a number of cases and particularly that of a retired officer of the national army, who had been so molested and sexually abused by so-called State Security Officers that he had become an invalid.

105. Following his recent visit to southern Sudan, the Archbishop of Canterbury had called on the international community, and more particularly the Security Council and the Governments represented in the Commission, to do more for the people of the Sudan. His organization thanked the Archbishop for his leadership in the matter and for his strong message to the international community.

106. The previous year, he had pointed out that the current regime was applying the Missionary Societies Act to the churches as a way of suppressing their activities. The delegation of the Sudan had replied that the law would be revised and that steps were being taken as a good-will gesture on the part of the regime following the visit of his Holiness the Pope. A year had elapsed since then and the discriminatory law was still in force. He was not asking for an unjust and discriminatory law to be modified; he was asking for its abrogation in toto.

107. The current regime maintained that there was religious freedom and tolerance in the Sudan. Yet, to date, the missionaries expelled from South Kordofan and from Juba were still waiting to return to their places. Not a single permit for the building of a new church had been given. Instead, the Episcopalian Church in El Obeid had been confiscated and, although the Episcopalians had been promised another plot of land, no land had so far been made available and no compensation given. Referring to a number of cases in which priests and other Christians had been arrested and subjected to strenuous questioning, he said that a pastor of the Episcopalian Church had not been heard of since his arrest.

108. In conclusion, he asked that the Special Rapporteur and other relevant individuals and agencies be given full access to all parts of Sudan with a view to determining the situation prevailing there. The Church had always stood up in defence of human rights irrespective of race, gender, creed or colour. Violation of any of those rights obliged the Church to make a public denunciation because that was part of its mission in the world.

The meeting rose at 1 p.m.